

**TOWN OF LOS GATOS
NORTH FORTY SPECIFIC PLAN
CEQA FINDINGS
(TABLE A)**

TABLE OF IMPACTS, MITIGATION MEASURES AND CEQA FINDINGS

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
Aesthetics			
Impact 3.1-1: Effects on a Scenic Vista (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-8 to 3-10.)
Impact 3.1-2: Damage to Scenic Resources in a State Scenic Highway (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-10.)
Impact 3.1-3: Degradation of Visual Character-Building Set-backs (PS)	AES-1: New development adjacent to residential uses existing at the time of Specific Plan adoption shall provide minimum five-foot side and rear setbacks to those residential uses.	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure AES-1 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The Project could result in new buildings, potentially up to 35-feet tall or more, contiguous to side and rear yards of existing houses. Without mitigation, new buildings are permitted a zero side and rear set-back. This would result in potential shading at the existing homes. With Mitigation Measure AES-1, a minimum five-foot side and rear</p>

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			setback would be required for new development adjacent to existing residential uses. This mitigation is consistent with the policies in the 2020 General Plan that address compatibility of new development with existing development, including Policies LU-1.4, LU-6.5, CD-1.1, CD-1.2, CD-1.4, CD-1.5, CD-2.1, CD-6.1, CD-6.4, CD-16.3, and HOU-2.5. (DEIR, pp. 3-13 to 3-15.)
Impact 3.1-4: Light or Glare (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-15)
Impact 3.1-5: Conflict with Plan or Policy Adopted for Environmental Purposes (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-15 to 3-16.)
Agricultural Resources			
Impact 3.2-1: Important Farmland Conversion. (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-20.)
Impact 3.2-2: Zoning or Williamson Act Conflict (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-20.)
Impact 3.2-3: Other Adverse Effects on	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091;

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Farmland. (LTS)			DEIR, p. 3-21.)
Air Quality			
Impact 3.3-1: Criteria Air Pollutant Emissions – Consistency with 2010 Clean Air Plan. (S)	<p>AQ-1: Low NOX emitting heating systems shall be required for commercial, office, and hotel uses.</p> <p>AQ-2: Parking lots shall provide charging stations at a rate of no less than one percent of parking spaces.</p> <p>AQ-3: All commercial developments shall incorporate energy reduction measures, including cool pavement materials, cool roof materials, and/or renewable energy sources, such as on-site solar power, to partially off-set electricity needs within the Plan Area. Common areas within commercial, office, and hotel developments shall utilize solar-generated or other renewable source electricity, or provide facilities for contribution of a like amount of renewable electricity to the electric grid.</p>	LTS	<p>Finding: Implementation of Mitigation Measures AQ-1, AQ-2, and AQ-3 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Of the 55 control measures in the 2010 Clean Air Plan, 15 are potentially applicable to residential and commercial projects. While the Project would implement many of the control measures as requirements of the Specific Plan or other Town Plans, several control measures would not be implemented without mitigation because the Specific Plan does not adequately address several of the control measures. This would be a significant impact. Mitigation measures in the Transportation and Traffic section and AQ-1 to AQ-3 would eliminate conflicts with the 2010 Clean Air Plan and reduce impacts associated with inconsistencies with applicable control measures to a less-than-significant level by making sure the Specific Plan includes policies requiring all of the applicable control measures. (DEIR, pp. 3-41 to 3-45.)</p>
Impact 3.3-2: Criteria Air Pollutant Emissions. (LTS)	None required. This impact is less than significant.	LTS	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-45 to 3-46.)</p>
Impact 3.3-3a: Pollutant Concentrations at Sensitive Receptors- Construction	AQ-4: The developer(s) shall implement basic dust control measures at all on-site and off-site locations where grading or excavation takes	LTS	<p>Finding: Implementation of Mitigation Measure AQ-4 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section</p>

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Dust. (PS)	<p>place. The developer(s) shall implement additional dust control measures at all on-site and off-site locations where grading or excavation takes place within 200 feet of residential properties.</p> <p>Basic Dust Control Measures:</p> <ul style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads shall be limited to 15 mph; e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and f. Post a publicly visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. <p>Additional Dust Measures</p>		<p>15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Construction will generate emissions of particulate matter in the form of fugitive dust during initial site preparation from grading activities and during other construction phases from the transport of additional materials (base rock, soil/gravel, asphalt). Without mitigation, dust from construction would be transported off-site via wind erosion of unpaved surfaces or through soils tracked-out onto paved roads where particulate matter enters the air through the motion of passing cars and trucks. The Air District has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. Mitigation Measure AQ-4 would reduce potential impacts from construction dust emissions on residents within the Plan Area (Bonnie View mobile home park, houses on Highland Oaks Drive) to a less-than-significant level. (DEIR, pp. 3-46 to 3-48.)</p>

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	<p>g. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph;</p> <p>h. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established; and</p> <p>i. Unpaved roads shall be treated with a three to six inch compacted layer of wood chips, mulch, or gravel.</p>		
Impact 3.3-3b: Pollutant Concentrations at Sensitive Receptors- Health Effects from Roadway Emissions (PS)	<p>AQ-5: High efficiency filtration (MERV rating of 13 or greater) on ventilation systems shall be required in residential, hotel, and office units located in areas along State Route 17 identified in the EIR as having cancer risk in excess of 10 cases per million.</p> <p>AQ-6: Ground-level outdoor residential yards that are not oriented to the Los Gatos Boulevard side of the Plan Area, shall be located no closer than 100 feet from the State Route 17 right-of-way prior to 2015, and, subject to air hazards modeling to confirm, no closer than 50 feet from the State Route 17 right-of-way thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).</p>	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures AQ-5 and AQ-6 will reduce these impacts (3.3-3b and 3.3-4) to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The Plan Area is adjacent to two arterial streets and two freeways (State Route 85 and State Route 17). According to Air District data, diesel particulate matter and total organic gas emission cancer risks are projected to be the highest at the southwest corner of the Plan Area, near the State Route 17 on-ramp from Lark Avenue, where the cancer risk is 14.3 cases in one million. Cancer risks that exceed the Air District's ten-in-one million threshold are projected to extend northward for about three-quarters of the distance of the Area Plan's western boundary, and to extend into the Plan Area by about 100-140 feet. (See DEIR, p. 3-49, Figure 15.) Without mitigation, residential uses could be placed within areas with toxic air contaminants in</p>

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			excess of standards. This would be a significant impact. Implementation of AQ-5 and AQ-6 would reduce this impact to a less-than-significant level by: (a) requiring effective filtration on ventilation systems; and (b) ensuring residential yards are not located within 100 feet of State Route 17 prior to 2015, and within 50 feet thereafter (when diesel fuel and engine changes will reduce diesel emissions levels).(DEIR, pp. 3-48 to 3-51.)
Impact 3.3-4: General Plan Inconsistency (PS)	AQ-5 and AQ-6 (see above)	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures AQ-5 and AQ-6 will reduce these impacts (3.3-3b and 3.3-4) to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The 2020 General Plan includes Policy ENV-12.3, which requires design criteria for site plans to reduce the effects of high air pollution concentrations associated with roadways by appropriate placement of structures, use of landscaping, and parking arrangements. Mitigation Measures AQ-5 and AQ-6 would reduce potential toxic air emissions impacts on residential uses near State Route 17 to a less-than-significant level. These measures will also ensure there is no impact associated with General Plan Inconsistency (Impact 3.3-4) by requiring design criteria (to reduce the effects of high air pollution concentrations associated with roadways) that satisfies Policy ENV-12.3. (DEIR, p. 3-52.)</p>
Impact 3.3-5: Substantial Odors (No Impact)	None required. There is no impact.	No Impact	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR p. 3-52.)</p>
Biological Resources			

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Impact 3.4-1 Special- Status Species. (PS)	<p>BIO-1: If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the nesting bird season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project developer shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on the project site, and as feasible within 250 feet of the site boundary, to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than two weeks prior to the initiation of disturbance and/or construction activities. A report documenting the survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the Town of Los Gatos for review and approval prior to disturbance and/or construction activities.</p> <p>If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist and in compliance with applicable</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Because the Plan Area contains suitable nesting habitat for birds, construction activities during certain times of the year (February 1 through August 31) could result in the loss of eggs, nestlings, or otherwise lead to nest abandonment, which would be a significant impact. Sustained noise-generating disturbance activities generating greater than 85 decibels have the potential to adversely impact protected nesting birds. Additionally, mature trees would be removed in phases during the development of the Plan Area. Other significant areas of tree cover are located near the Plan Area to provide nesting bird habitat during the time between Plan Area clearing and re-establishment of mature trees. Implementation of Mitigation Measure BIO-1 will reduce potential impacts to nesting birds to a less-than-significant level because it requires pre-construction surveys for nesting birds and the establishment of protective buffer areas under the direction of a qualified biologist.</p> <p>Although burrowing owl was not observed during the 2011 focused surveys, there is a low potential for this species to become established and occupy habitats within the Plan Area prior to construction activities because there are patches of non-native grassland containing active ground squirrel burrows. Therefore, the project has a low potential to directly affect individual owls that may be present on the site during construction activities. Implementation of Mitigation Measure BIO-2 will reduce potential impacts to burrowing owls to a less-than-significant level because it requires two-visit pre-construction surveys and the establishment of an exclusion zone under the direction of a qualified biologist using Department of Fish and</p>

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	<p>project permits.</p> <p>To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p> <p>BIO-2: To avoid impacts to burrowing owls, a qualified biologist will conduct a two-visit (i.e. morning and evening) pre-construction presence/absence survey at all areas of suitable habitat on and within 300 feet of the construction site within 30 days prior to the start of construction. Surveys will be conducted according to methods described in the Revised Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012).</p> <p>If pre-construction surveys are undertaken during the breeding season (February through August) and locate active nest burrows near construction zones, then these nests and a 200-meter (600-foot) exclusion zone will be delineated which must remain off-limits to ground-disturbing activities until the breeding season is over. The exclusion zone shall be clearly delineated/fenced, and work could proceed within the exclusion zone after the biologist has determined that fledglings were capable of independent flight and the California Department of Fish and Wildlife has approved the recommencement of work inside the exclusion zone, or has authorized physical relocation of the owls. Nesting owl pairs</p>		<p>Wildlife's recommended methods.</p> <p>The project has a low potential to directly affect individual pallid bats that may be roosting on the site during construction activities because there is marginally suitable roosting habitat within the Plan Area. Implementation of Mitigation Measures BIO-3 and BIO-4 would reduce potential impacts to roosting bats to a less-than-significant level because they require that measures be taken to make vacant buildings unsuitable for use as bat roosts prior to removal and that mature trees are removed in two stages to allow any day-roosting bats to relocate or to allow a bat specialist to assist in relocation efforts.</p> <p>(DEIR, pp. 3-61 to 3-63.)</p>

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	<p>physically relocated (after consultation and approval from the California Department of Fish and Wildlife) as a consequence of construction activities are typically provided a habitat replacement mitigation ratio of 6.5 acres per owl pair/territory relocated.</p> <p>The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p> <p>BIO-3: To avoid impacting active bat roosts, if present, any vacant buildings on the site proposed for removal that are boarded up prior to construction (dark in the daytime) shall be opened in the winter months (prior to mid-March) to allow in light, making these areas non-suitable for use as bat roosts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p> <p>BIO-4: Mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate. If bat roosts are encountered during tree removal, a bat specialist shall be hired to assist in any relocation efforts.</p> <p>The developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.</p>		

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Impact 3.4-2: Riparian Habitat (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-63 to 3-64.)
Impact 3.4-3: Wetlands (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-64.)
Impact 3.4-4: Movement Corridors (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-64.)
Impact 3.4-5: Tree Protection Ordinance (PS)	BIO-5: Prior to tree removal, a Tree Preservation Report or Tree Protection Plan shall be prepared by a qualified arborist, and a Tree Removal Permit shall be obtained stipulating exactly how many protected trees of each species will be removed and how many will then be required as replacement plantings, along with where they can be planted, and any applicable maintenance requirements. Retained trees shall be protected during construction according to the measures specified in the Tree Protection Ordinance (Town of Los Gatos 2003). The project developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Town of Los Gatos.	LTS	<u>Finding:</u> Implementation of Mitigation Measure BIO-5 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR. <u>Explanation:</u> According to tree surveys, not including the English walnut orchard trees, the project site contains 190 trees covered by the Tree Protection Ordinance, including native coast live oaks and non-native ornamental landscaping trees. Mitigation Measure BIO-5 will reduce impacts to protected trees to a less-than-significant level by requiring the project developer(s) to obtain a Tree Removal Permit prior to project implementation. The Tree Removal Permit will stipulate a certain number and species of replacement tree plantings for those protected trees that are removed. (DEIR, pp. 3-64 to 3-65.)

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Impact 3.4-6: Conflict with Habitat Plan (No Impact- Not Applicable)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-65.)
Impact 3.4-7: Consistent with Plan Adopted for Environmental Purposes (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-65.)
Impact 3.4-8: Forest Resources (No Impact- Not Applicable)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-65.)
Cultural Resources			
Impact 3.5-1: Adverse Change to Historical Resources (S)	CR-1: Prior to demolition of buildings within the Plan Area identified as potentially historic resources, the project sponsor shall prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER), as presented in the North 40 Specific Plan Historic Resources Technical Report. The historic documentation shall be prepared at Level IV (sketch plan, digital photographs of exterior and interior views, and HABS/HAER inventory cards) for the potentially historic buildings. No historic documentation shall be required for the orchard, except as may be incidentally included in the documentation of the structures. The project sponsor shall prepare, or retain a qualified professional who meets the standards for architectural historian and/or historical architect	SU	<u>Finding:</u> Implementation of Mitigation Measures CR-1 and CR-2 will reduce this impact to some degree, but not to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that these mitigation measures be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that reduce the severity of this significant impact, but not to a less than significant level. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible any further mitigation that could render the impact less than significant. The reasons why such further mitigation is infeasible are the same reasons for which the Town has rejected the Historic Preservation Alternative, as set forth in the main body of these findings. <u>Explanation:</u> The Plan Area includes six houses and agricultural buildings that are more than 50 years old and that have been determined to be

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	<p>set forth by the Secretary of the Interior (Secretary of the Interior's Professional Qualification Standards, 36 CFR 61) to prepare documentation of historic resources prior to any construction work associated with demolition or removal.</p> <p>The Town of Los Gatos shall identify appropriate repositories for housing the historical documentation at the time of the project-level analysis. An interpretive display shall be incorporated into the design of commercial development within the Plan Area.</p> <p>CR-2: For potentially historic buildings proposed for retention at existing locations, the project sponsor shall prepare a historic structure(s) report (HSR) for the historic resource as a guide to the rehabilitation. The HSR shall set forth the history of the resource, describe its existing condition, make recommendations for repair, rehabilitation, replacement, reconstruction, and other treatments based on the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The HSR shall be prepared by a licensed architect who meets the qualifications for historical architect as set forth in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, published in the Federal Register, June 20, 1997 (Volume 62, Number 119).</p> <p>The project sponsor shall retain the services of a historical architect as a member of the design team for the rehabilitation. The historical architect may</p>		<p>potentially eligible for listing on the California Register of Historic Resources at a local level of significance because of the properties' association with the Santa Clara Valley's former fruit industry's peak era of production from 1910-1929. (See DEIR, p. 3-75, Figure 16.)</p> <p>Additionally, there is an approximately 30-acre walnut orchard dates originally to historic era, but it has been re-planted, re-configured, and reduced in size as development encroached on all sides. A significant amount of commercial development has occurred along Los Gatos Boulevard that has changed the character of sections of the property. Although dating originally to the era, the walnut orchard has been re-planted, re-configured, and reduced in size as development has encroached on all sides. At approximately 27 acres, the orchard provides some feel of the historic agricultural past, but houses, commercial buildings, freeways, and sound walls are visible from any point within the orchard, and these significantly detract from the historic setting. (DEIR, p. 3-74.) The Town therefore determined that the orchard was not an historical resource within the meaning of CEQA. Development of the project site therefore will not be a significant environmental effect with respect to the loss of the orchard.</p> <p>Removal of the six potentially historic buildings and walnut orchard would be a significant and unavoidable impact. Implementation of Mitigation Measures CR-1 and CR-2 would reduce the severity of this impact, but not to a less-than-significant level. These measures require the developer to prepare photographic documentation of the buildings meeting the documentation standards of the Historic American Buildings Survey/ Historic American Engineering Record and to develop a historic structures report for the historic resource as a guide to rehabilitation. (DEIR, Appen. G, p. 77 [Nov. 2013 Technical Report, p. 36]; Final EIR, p. 4-4.)</p>

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	<p>be the same historical architect who prepared the HSR, without encountering a conflict of interest.</p> <p>The Town of Los Gatos shall review the rehabilitation plans prepared by the project architect for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</p> <p>The HSR shall specify procedures for protecting historic resources and a monitoring method to be employed by the contractor while working near the affected resource. At a minimum, the plan shall address the operation of construction equipment near adjacent historical resources, storage of construction materials away from adjacent resources, and education/training of construction workers about the significance of the historical resources.</p>		
Impact 3.5-2: Potential Adverse Change to Archaeological Resources (PS)	<p>CR-3: For grading or excavations deeper than four feet below the existing surface, a qualified archaeologist shall be retained to monitor the excavations. The archaeologist shall be present on-site to observe a representative sample of deep grading or excavations in at least three areas within the Plan Area until satisfied that there is no longer a significant potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall designate a zone in which additional archaeological resources could be found and in</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measures CR-3 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The archeological report concluded, based upon background research and the general surface reconnaissance conducted on June 27, 2011, that no surface evidence of potentially significant archaeological resources exists within the Plan Area. But the Project would include</p>

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	<p>which work shall be stopped. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources.</p> <p>In the event that significant paleontological, historic, and/or archaeological remains are uncovered during excavation and/or grading in the absence of an archaeological monitor, all work shall stop in the area of the subject property until a qualified archaeologist can assess the find and, if necessary, develop an appropriate data recovery program.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of this mitigation measure. Costs will be the responsibility of the developer(s).</p>		<p>excavations for buildings and pipelines, including off-site pipelines, and some deep excavations. Because unknown significant buried cultural resources could be present at the Plan Area, and uncovered during grading or excavation activities, the potential exists for disturbance of significant archaeological resources. Mitigation Measure CR-3 would reduce this potential impact to a less-than-significant level because it requires a qualified archaeologist to monitor excavations and requires all work to stop if any potentially significant resources are uncovered during excavation and/or grading in the absence of an archaeological monitor. (DEIR, pp. 3-78 to 3-79.)</p>
<p>Impact 3.5-3: Adverse Change to Paleontological Resources (PS)</p>	<p>CR-4: If human remains are found during construction activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the archeological monitor and the coroner of Santa Clara County are contacted. If it is determined that the remains are Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measures CR-4 will reduce these impacts (3.5-3 and 3.5-4) to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>While the 2020 General Plan Draft EIR determined that there are no fossil localities within the Town of Los Gatos, deep excavations could disturb unknown underground paleontological resources. The Project could involve deep excavations if underground parking or basements</p>

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	<p>responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code section 5097.98. The landowner or his authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p> <p>The Planning Division of the Community Development Department shall be responsible for ensuring the implementation of these mitigation measures. Costs will be the responsibility of the developer(s).</p>		<p>are developed and for installation of pipelines. Implementation of Mitigation Measure CR-4 and Policy OSP-9.4 in the 2020 General Plan would reduce this impact to a less-than-significant level because it requires construction activities stop if human remains are found until the archaeological monitor and county coroner (if applicable, the coroner shall contact the Native American Heritage Commission) are contacted. (DEIR, pp. 3-79 to 3-80.)</p>
<p>Impact 3.5-4: Potentially Disturb Human Remains (PS)</p>	<p>CR-4 (see above)</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measures CR-4 will reduce these impacts (3.5-3 and 3.5-4) to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The Plan Area is not known to contain human remains, but excavation</p>

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			during construction could result in disturbance of human remains that may be buried on site. Implementation of Mitigation Measure CR-4 would mitigate this potential impact to a less-than-significant level because it requires construction activities stop if human remains are found until the archaeological monitor and county coroner (if applicable, the coroner shall contact the Native American Heritage Commission) are contacted. (DEIR, p. 3-80.)
Impact 3.5-5: Conflict with Plan Adopted for Environmental Purposes (PS)	CR-1 and CR-2 (see above)	LTS	<p><u>Finding:</u> <u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-65.)</p> <p><u>Explanation:</u></p> <p>The Plan Area includes several buildings that have been identified as potentially historic. Refer to the prior discussion of historic resources. Mitigation Measures CR-1 and CR-2 would mitigate the impact to potentially significant buildings, but not to a less-than-significant level. As mitigated, however, the proposed project would not be inconsistent with these <i>Town of Los Gatos 2020 General Plan</i> policies relating to historic resources because these policies do not prohibit the demolition of historic structures or require that all historic structures in the Town must be retained. (Final EIR, p. 4-4.)</p>
Geology and Soils			
Impact 3.6-1: Effects of Seismic Activity (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-86 to 3-87.)
Impact 3.6-2: Soil Erosion (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-87.)

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Impact 3.6-3: Soil Instability (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-87.)
Impact 3.6-4: Expansive Soils (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-87.)
Impact 3.6-5: Soils Suitability for Septic Systems (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-87.)
Impact 3.6-6: Mineral Resources (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-88.)
Impact 3.6-7: Consistent with Plan Adopted for Environmental Purposes (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-88.)
Greenhouse Gas Emissions			
Impact 3.7-1: Greenhouse Gas Emissions (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-104 to 3-105.)
Impact 3.7-2: General Plan or Greenhouse Gas Reduction Plan	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§

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Inconsistency (No Impact)			15126.4, subd. (a)(3), 15091; DEIR, p. 3-105.)
Hazards and Hazardous Materials			
Impact 3.8-1: Transport, Use, or Disposal of Hazardous Materials (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-113.)
Impact 3.8-2: Release of Hazardous Materials into the Environment (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-114.)
Impact 3.8-3: Hazardous Materials within One-quarter Mile of a School (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p.3-114.)
Impact 3.8-4: Projects on a Hazardous Materials Site (PS)	HAZ-1: Prior to issuance of permits for activities involving grading or excavation within Lark Avenue, the San Jose Water Company property, the south end of the Plan Area (within the contaminated area delineated on County of Santa Clara Department of Environmental Health records for the Lark Avenue Car Wash fuel leak case), or immediately adjacent areas, the developer shall consult with the Department of Environmental Health regarding the potential for disturbance of contaminated soils. The developer shall either conduct pre-excavation soil testing at an appropriate depth to the proposed work and review results with the Department of Environmental Health, or assume contamination of the soils and proceed with appropriate safeguards, established in consultation with the	LTS	<u>Finding:</u> Implementation of Mitigation Measure HAZ-1 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR. <u>Explanation:</u> The Plan Area is not the site of a toxic materials spill, but it has been affected by migration of toxic materials that spilled on an adjacent site, the Lark Avenue Car Wash located on the opposite side of Lark Avenue. Street, building, and utility improvements at the south end of the Plan Area, and off-site water pipeline improvements within and south of Lark Avenue would occur in soils within the boundary of the contamination plume from the leaking underground gasoline storage

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	Department of Environmental Health. Unless pre-excitation soil testing shows no contamination, post-excitation soil testing shall be conducted. If testing shows soil contamination levels are in excess of acceptable levels, the developer shall implement appropriate protective measures in consultation with the Department of Environmental Health, including worker protocols and soil handling and disposal protocols. The presence of contamination may necessitate the use of workers who have been properly trained in accordance with 29 CFR 1910.120. If soil testing shows acceptable contamination levels, no further soils measures may be required. If excavations reach free groundwater, the developer shall stop work and consult with the Department of Environmental Health.		tanks formerly located at the Lark Avenue Car Wash. Remediation of this fuel leak is not yet complete, and the contaminants in the soils and groundwater could include petroleum hydrocarbons, heavy metals, and other toxic substances. Disturbance of these soils for project improvements could result in the release of toxic materials, which could expose construction workers to adverse health effects, or result in transport of toxic materials in storm water. Additionally, contaminated soils could be inadvertently transported to other locations. Impact 3.8-4 is potentially significant, but implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level because it requires the developer to either conduct pre-excitation soil testing or proceed with appropriate safeguards established in consultation with the Department of Environmental Health. (DEIR, pp. 3-114 to 3-115.)
Impact 3.8-5: Airport Safety Hazard (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-115.)
Impact 3.8-6: Interference with an Emergency Plan (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-115 to 3-116.)
Impact 3.8-7: Wildlands Fire (No Impact)	None Required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-116.)
Hydrology and Water Quality			

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Impact 3.9-1: Groundwater Depletion (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-127 to 3-128.)
Impact 3.9-2: Erosion or Siltation due to Drainage Changes (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-128 to 3-129.)
Impact 3.9-3: Flooding due to Drainage Changes (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-130.)

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Impact 3.9-4: Excess or Polluted Storm Water Run-Off (PS)	HAZ-1 (see above)	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure HAZ-1 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Soil excavated in the areas of the project site that have been contaminated by gasoline storage tank leaks at the Lark Avenue Car Wash could contain toxic contaminants. Displacement of these contaminated soils could potentially result in contaminants being released and transported to Los Gatos Creek, or to another location and to other waters. This is a potentially significant impact. Implementation of Mitigation Measure HAZ-1 would reduce this impact to a less-than-significant level because it requires the developer to either conduct pre-excavation soil testing or proceed with appropriate safeguards established in consultation with the Department of Environmental Health. (DEIR, p. 3-131.)</p>
Impact 3.9-5: Other Water Quality Degradation (LTS)	None required. This impact is less than significant.	LTS	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR pp. 3-131 to 3-132.)</p>
Impact 3.9-6: Flooding, Seiche, Tsunami, Mudflow (LTS)	None required. There is no impact.	LTS	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-132; Final EIR, p. 4-5.)</p>

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Impact 3.9-7: Conflict with Plan Adopted for Environmental Purposes (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-132.)
Land Use and Planning			
Impact 3.10-1: Physical Division of a Community (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-146.)
Impact 3.10-2: Conflict with Plan Adopted for Environmental Purposes (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-146 to 3-148.)
Impact 3.10-3: Conflict with Habitat Plan (No Impact- Not Applicable)	None required. There is no impact	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-148.)
Noise			
Impact 3.11-1a: Noise in Excess of Standards- Residential and Hotel Land Uses (PS)	NOI-1: A noise barrier shall be constructed commencing at the south end of the existing noise barrier along State Route 17, and continuing south to Lark Avenue and east along Lark Avenue for approximately 200 feet (or approximately 150 feet of west of Highland Oaks Drive). From the existing noise barrier to a point approximately 200 feet north of Lark Avenue the noise barrier shall be 14 feet tall; from that point to Lark Avenue, the noise barrier shall be 12 feet tall, and along Lark Avenue the noise barrier shall be 10 feet tall for a length of about 100 feet	LTS	<u>Finding:</u> Implementation of Mitigation Measures NOI-1, NOI-2, and NOI-3 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR. <u>Explanation:</u> The proposed residences and hotel would be the most noise-sensitive

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	<p>and 8 feet tall thereafter. The noise barrier shall have a decorative design and/or include plantings or a planting buffer that would improve the appearance of the barrier from State Route 17 and Lark Avenue.</p> <p>NOI-2: Future development located on sites that are shown in the North 40 Specific Plan EIR as exceeding the normally acceptable noise level of the Town of Los Gatos 2020 General Plan and Town noise ordinance shall demonstrate that building designs and placement adequately reduce noise. If a study shows that actual noise (and projected noise levels at Specific Plan build-out) will exceed applicable Town noise standards, site and/or building plans shall identify measures to meet these standards. The developer(s) shall be responsible for preparing noise studies and implementing noise attenuation measures as conditions of project approval and construction. The developer(s) shall:</p> <ul style="list-style-type: none"> □ Identify outdoor use spaces and building design or barrier walls to reduce environmental noise to 65 dBA Ldn or lower; □ Identify exterior-to-interior sound insulation measures, such as sound rated windows and doors, to reduce environmental noise to 45 dBA Ldn or lower indoors at residences and hotel guest rooms; and □ As windows will need to be closed to meet the allowable interior noise level across the site, residences and hotel guest rooms shall incorporate ventilation or air-conditioning systems to provide a habitable interior environment, consistent with California Building Code requirements. Systems must not 		<p>land uses within the Plan Area. The California Building Code requirement of L_{dn} 45 dBA or lower indoor noise level is applicable to all residences and to hotel guest rooms. Consistent with the 2020 General Plan EIR, a project is considered to have a significant effect if it increase an existing ambient noise level below 60 dBA by five dBA or more, an existing ambient noise level of 60 to 65 dBA by three dBA or more, or an existing ambient noise level of greater than 65 dBA by 1.5 dBA or more. Residences are likely to be located between L_{dn} 65 and 74 dBA noise contours. Therefore, an increase of 1.5 dBA or more would be considered significant. The expected increase in L_{dn} due to the project may be up to four decibels in residences along Burton Road in the northern portion of the Plan Area. According to the noise assessment prepared for the Specific Plan, future development in some portions of the Plan Area will be subjected to noise levels inconsistent with the Town's land use compatibility guidelines. But implementation of Mitigation Measures NOI-1, NOI-2, and NOI-3 would reduce this impact to a less-than-significant level because they require the construction of a noise barrier, require the developer to prepare noise studies and implement noise attenuation measures as conditions of project approval and construction, and require future development projects to submit building and site plans demonstrating compliance with noise standards. (DEIR, pp. 3-156 to 3-163; Final EIR, p. 4-5.)</p>

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	<p>compromise sound-insulation of the building shell.</p> <p>NOI-3: Future development projects shall be designed so that all podium buildings are oriented to shield outdoor courtyards from the adjacent roadways. Future development projects shall be designed so that residences along Los Gatos Boulevard incorporate noise barriers as needed to shield outdoor use spaces. Outdoor use areas (excluding outdoor areas that are principally landscaped areas, parking areas, or sidewalks) shall meet the 65 dBA Ldn or lower outdoor noise standard. The applicant for each development project shall submit building and site plans demonstrating compliance with this measure.</p>		
<p>Impact 3.11-1b: Noise in Excess of Standards- Non-Residential Land Uses (S)</p>	<p>NOI-4: Future non-residential development on sites where the Ldn noise levels are 68 dBA or higher as shown in the North 40 Specific Plan EIR, shall include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior levels to the California Green Building Code requirement of Leq-1hr 50 dBA or lower. Alternatively, the developer(s) can demonstrate that exterior walls and roofs have been designed to have sound insulation ratings of STC 50 or higher, with minimum STC 40 windows.</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measure NOI-4 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The California Green Building Code provides requires non-residential projects, including the non-guest room portions of hotels, to meet an average hourly interior noise level (L_{eq-1hr}) of 50 dBA or lower. Hourly average sound levels exceed 65 dBA across the commercial</p>

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			portions of the Plan Area. Implementation of Mitigation Measure NOI-4 would reduce this impact to a less-than-significant level because it requires future non-residential development to include site-specific noise attenuating building designs providing sound-rated construction that will reduce interior noise levels to the requirement of Leq-1hr 50 dBA or lower. (DEIR, p. 3-164.)
Impact 3.11-1c: Noise in Excess of Standards- Stationary Noise Sources (PS)	NOI-5: Future development shall provide building-specific designs to reduce stationary noise source noise generation to the Town Code standards, as described in The Los Gatos Town Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. These measures are expected to include equipment selection and orientation, noise barriers, roof screens and enclosures.	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure NOI-5 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Stationary noise sources include rooftop mechanical equipment for retail, office, hotel, and podium-type multi-family housing buildings, and possibly individual air condensing units for townhouse-style residences, or emergency generators for retail and office buildings. New stationary noise sources have the potential to generate noise levels that would violate the Town's noise standards or be incompatible with the surrounding uses. Implementation of Mitigation Measure NOI-5 will reduce this impact to a less-than-significant level because it requires future development to include building specific designs that reduce stationary noise source noise generation to the Town Code standards in Code Sections 16.20.15 to 16.20.025 and General Plan Table NOI-2. (DEIR, p. 3-164.)</p>
Impact 3.11-2: Ground-borne Vibration (PS)	NOI-6: Future development projects that include vibration-sensitive facilities, or businesses with highly vibration-sensitive equipment shall quantify vibration levels and demonstrate project-specific building designs to reduce vibration to acceptable levels.	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure NOI-6 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the</p>

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
			<p>project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Short-term construction activities associated with development of the Plan Area may result in ground-borne vibrations. According to the Federal Transit Administration, vibration levels that reach a ground velocity of 85 decibels (VdB) in residential or other sensitive land use areas would cause strong annoyance. Operation of typical construction equipment could cause vibration within 25 feet of the equipment to reach up to 86 VdB for loaded trucks or 104 VdB for pile drivers. To the extent that highly sensitive uses (vibration-sensitive manufacturing, medical or research facilities, etc.) are included in development applications, there may be potentially significant impacts. Implementation of Mitigation Measure NOI-6 would reduce this impact to a less-than-significant level because it requires future development projects to quantify vibration levels and include building designs that reduce vibration to acceptable levels. (DEIR, pp. 3-164 to 3-166.)</p>
<p>Impact 3.11-3: Potential Project Vicinity Permanent Ambient Noise Increase (PS)</p>	<p>NOI-7: Future development projects including or requiring roadway improvement projects along Burton Way in the northern portion of the Plan Area shall require a noise assessment prior to approval if existing residential uses will remain adjacent to the roadway improvements. The assessment shall consider the orientation and width of the roadway; location and design of existing residences; and shall identify appropriate mitigation measures to reduce traffic noise to within the Town of Los Gatos noise standards. This is expected to consist of sound-rated windows and doors, and possible roadway noise barriers.</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measure NOI-7 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The project would increase traffic noise by up to four dB along Burton Way in the northern portion of the Plan Area. The cumulative noise level is estimated to be approximately L_{dn} 65 for at-grade receivers on adjacent single-family housing sites, which exceeds the normally acceptable level for land use compatibility. If existing houses remain (instead of being replaced as part of the project), the noise increase</p>

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			would be considered significant without mitigation. Implementation of Mitigation Measure NOI-7 would reduce this impact to a less-than-significant level because it requires future development projects to require noise assessments prior to approval if existing residential uses remain adjacent to proposed roadway improvements and to identify measures that will reduce noise to below the Town's noise standards. (DEIR, p. 3-166.)
Impact 3.11-4: Project Vicinity Temporary or Periodic Ambient Noise Increase (PS)	<p>NOI-8: Future development applications shall identify the location and types of sensitive receptors that may be affected by construction noise and/or vibration. Measures to control construction noise and address potential complaints shall be proposed and called out in site plans and/or building plans:</p> <ul style="list-style-type: none"> ☐ Consistent with the Town Code, construction activities, which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays, and 9:00 a.m. to 7:00 p.m. weekends and holidays if they meet at least one of the following noise limitations: <ul style="list-style-type: none"> • No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. • The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. ☐ Locate stationary and mobile noise generating equipment as far as possible from 	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure NOI-8 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The project could result in temporary increases in noise levels. Construction of the proposed project would result in high temporary noise levels, which could have a significant effect if construction occurs near sensitive receptors (existing and future residences and businesses). Implementation of Mitigation Measure NOI-8 would reduce this impact to a less-than-significant level because it requires future developments to include measures to control construction noise and address potential complaints. (DEIR, pp. 3-166 to 3-168.)</p>

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	<p>sensitive receptors. Staging areas shall not be located adjacent to sensitive receptors, such as residences.</p> <p><input type="checkbox"/> Conduct a pre-construction meeting with nearby sensitive receptors to outline the construction schedule and what types of noises with will hear. Post construction schedules outside the construction site.</p> <p><input type="checkbox"/> Designate a point of contact that will be responsible for responding to complaints about noise during construction. Develop a process to respond to and address complaints.</p> <p><input type="checkbox"/> Submit a vibration study identifying the nearest sensitive receivers, construction activity, and mitigation measures as needed.</p>		
Impact 3.11-5: Aircraft Noise (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-168.)
Impact 3.11-6: Conflict with Plan Adopted for Environmental Purposes (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-168 to 3-169.)
Population, Housing and Public Services			
Impact 3.12-1: Induce Population Growth (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-183.)
Impact 3-12-2: Displacement of Housing	None required. This impact is less than	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources

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or People (LTS)	significant.		Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3.183.)
Impact 3.12-3: New or Altered Schools (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-184 to 3-186.)
Impact 3.12-4: New or Altered Parks or Recreational Facilities (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-186 to 3-187.)
Impact 3.12-5: Deterioration of Recreational Facilities (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-187.)
Impact 3.12-6: New or Altered Fire Department Facilities (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-187.)
Impact 3.12-7: New or Altered Police Department Facilities (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-187 to 3-188.)
Impact 3-12-8: New or Altered Public Facilities (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-188.)
Impact 3.12-9: Consistent with Plan Adopted for Environmental Purposes	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§

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(No Impact)			15126.4, subd. (a)(3), 15091; DEIR, p. 3-188.)
Transportation and Traffic			
Impact 3.13-1: Conflict with Measure of Effectiveness- Streets Level of Service (PS)	<p>TR-1: The following intersection improvements shall be completed at the Los Gatos Boulevard/Samaritan Drive/Burton Road intersection by the first project developer within the Northern District of the Plan Area.</p> <p>a. conversion of the existing eastbound lane on Burton Road to a through/left turn lane;</p> <p>b. addition of one dedicated eastbound left turn lane and one eastbound right turn lane on Burton Road at Los Gatos Boulevard (including widening Burton Road for about 200 feet west from Los Gatos Boulevard).</p> <p>In the event that the necessary right-of-way for Burton Road widening cannot be obtained prior to initial development within the Northern District, an alternative access street shall be completed and supplemental traffic analyses shall be conducted to demonstrate that adequate ingress and egress can be provided by other routes within the Plan Area.</p> <p>TR-2: The following off-site intersection improvements shall be completed at the Los Gatos Boulevard/Lark Avenue intersection by the first project developer:</p> <p>a. addition of a third eastbound left turn lane on Lark Avenue;</p> <p>b. addition of third northbound left turn lane on Los Gatos Boulevard;</p> <p>c. addition of a third westbound lane on</p>	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures TR-1, TR-2, and TR-3 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>When project traffic is added to background conditions (existing traffic plus traffic from 16 approved but not yet built or occupied projects), level of service (LOS) would degrade to an unacceptable level at two intersections, and delays would increase at a third intersection that already operates at unacceptable levels of service. At the Los Gatos Boulevard/Samaritan Drive intersection, level of service would degrade from LOS D+ to LOS F during the PM peak period. At the Los Gatos Boulevard/Lark Avenue intersection level of service would degrade from LOS D- to LOS E during the AM peak period. At the Los Gatos Boulevard/Lark Avenue intersection, level of service would degrade from LOS D to LOS E+ (development scenario A) or LOS E (development scenario B) during the PM peak period. Implementation of Mitigation Measures TR-1 and TR-2 would reduce this impact to a less-than-significant level by constructing street improvements to increase level of service to LOS D or better at the listed intersections. (DEIR, pp. 3-213 to 3-222; Final EIR, p. 4-6.)</p>

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	<p>Lark Avenue from Los Gatos Boulevard to the intersection of State Route 17 northbound ramps to the Los Gatos Boulevard/Lark Avenue intersection, which will operate as a second right turn lane east of the State Route 17 northbound ramps/Lark Avenue intersection and to operate as a through-right lane east of the Highland Oaks Drive/Lark Avenue intersection; and</p> <p>d. modification and re-striping of intersection and restriction of parking as needed.</p> <p>TR-3: Applicants for development or redevelopment projects within the Northern District shall pay a pro-rata share of improvements at the Samaritan Drive/National Avenue intersection or other improvement related to relieving congestion at the Samaritan Drive/National Avenue intersection. Improvements could include, but are not limited to, lane or traffic control improvements to the Samaritan Drive/National Avenue intersection and/or signalization of the Samaritan Drive/Samaritan Court intersection. Pro-rata share shall be based on percent of project trips, per distribution patterns in the North 40 Transportation Impact Analysis, as a share of total trips within the intersection. Fees shall be paid to the City of San Jose prior to issuance of building permits. The applicant shall pay the pro-rata share of improvement as determined by the Town of Los Gatos and City of San Jose. If a specific improvement project has not been identified, the fee shall be based on pro-rata share of a traffic signal, and shall be proportionally refundable if a less expensive project is</p>		

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	developed.		
Impact 3.13-2: Conflict with Measure of Effectiveness- Highways Level of Service (S)	TRA-8. Prior to issuance of each building permit, the building applicant shall submit a transportation development impact fee to the Santa Clara Valley Transportation Authority for the purpose of off-setting the cost of operational improvements on southbound State Route 85 between Winchester Boulevard and State Route 17 ("affected segment"). The fee shall be negotiated between the developers and the Santa Clara Valley Transportation Authority, based on the number of project trips that exceed one percent of project trips on the affected segment (the significance threshold), and based on the proportionate number of trips projected for the subject building(s) in accordance with the North Forty Traffic Impact Analysis. The project cost to which the share of responsibility shall be applied shall be determined by the Santa Clara Valley Transportation Authority for the affected segment.	SU	<p><u>Finding and Explanation:</u> Implementation of Mitigation Measures TR-8 could reduce the severity of this impact, but not to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that reduce the severity of the significant environmental effect as identified in the EIR, but not to a less than significant level.</p> <p>The project would result in significant and unavoidable impacts on a highway segment during the PM peak period. With both development scenarios (A and B), project-generated traffic would exceed one percent of capacity on the southbound State Route 85 mixed flow lanes from Winchester Boulevard to State Route 17. This segment currently operates at acceptable LOS E. (Fehr and Peers 2014, Table 15). This would be a significant environmental impact. The transportation impact analysis does not propose mitigation to address adverse freeway segment effects. (DEIR, pp. 3-222 to 3-223; Final EIR, p. 4-6.) But the EIR notes that if the State Route 85 high occupancy/toll lanes are implemented by Caltrans, the proposed project's impacts would be reduced to a less-than-significant level. (DEIR, p. 3-223.)</p>
Impact 3.13-3: Conflict with Measure of Effectiveness- Highway Ramps and Construction Traffic (LTS)	None required. This impact is less than significant.	LTS	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-223 to 3-225.)</p>
Impact 3.13-4: Conflict with Measure of Effectiveness- Transit (PS)	TR-4: The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority regarding the provision of a shuttle service or regularly scheduled direct bus route service to the	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures TR-4 and TR-5 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation</p>

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	<p>Vasona light rail station, to be in service concurrent with commencement of revenue service on the Vasona light rail extension.</p> <p>TR-5: The developer(s) shall work with the Town and Santa Clara Valley Transportation Authority, and other agencies to ensure that the Plan Area is developed in a manner that takes full advantage of the transit opportunities afforded by the Vasona Light Rail.</p>		<p>measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The Plan Area is immediately adjacent to several transit lines, with Route 49 currently providing service to the Winchester light rail station located about 2.5 miles from the Plan Area. The 2020 General Plan includes policies addressing transit provisions to connect the Plan Area to the Vasona light rail station located slightly more than one mile from the Plan Area. The Specific Plan does not include policies to facilitate Vasona light rail transit connections, nor does it include policies to reserve appropriate transit stops within the Plan Area. Implementation of Mitigation Measures TR-4 and TR-5 would reduce this impact to a less-than-significant level because it requires the developer to work with the Town and Santa Clara Valley Transportation Authority to provide for a shuttle service or regularly scheduled direct bus route service to the Vasona light rail station. (DEIR, pp. 3-225 to 3-227.)</p>
<p>Impact 3.13-5a: Conflict with Measure of Effectiveness- Bicycles and Pedestrians- Safe Routes to Schools (PS)</p>	<p>TR-6: Development within the Lark District near the intersection of Lark Avenue and Los Gatos Boulevard shall provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue.</p>	<p>LTS</p>	<p><u>Finding:</u> Implementation of Mitigation Measure TR-6 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Elementary and middle school students living in the proposed project's Lark District would attend Louise Van Meter School and Fisher Middle School, located about one and one-quarter to one and one-half miles to the south of the Plan Area. The most direct route to these schools is via Los Gatos Boulevard. The primary impediment to use of Los Gatos Boulevard is the high volume of traffic and two sections with substandard sidewalks between the Plan Area and the</p>

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			schools. The Specific Plan does not include any policies assuring that a direct pedestrian access to the Lark Avenue/ Lost Gatos Boulevard intersection would be provided. Implementation of Mitigation Measure TR-6 would reduce this impact to a less-than-significant level by requiring development within the Lark District to provide a direct pedestrian/bicycle access between residential areas and the intersection of Los Gatos Boulevard and Lark Avenue. (DEIR, pp. 3-227 to 3-228.)
Impact 3.13-5b: Conflict with Measure of Effectiveness- Bicycles and Pedestrians- Lark Avenue Bicycle Lanes and Countywide Bicycle Route 16B (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-228.)
Impact 3.13-6: Conflict with Congestion Management Program-Highway Segments (S)	No feasible mitigation measures are proposed. See notes in Impact 3.13-2 above.	SU	<u>Finding and Explanation:</u> The changes or alterations that would reduce this impact to a less-than-significant level are within the responsibility and jurisdiction of another public agency and not the Town of Los Gatos. Such changes can and should be adopted by that other agency. The project would result in significant and unavoidable impacts on operations of one Congestion Management Program highway segment during the PM peak period. With development scenario B, project-generated traffic would exceed one percent of capacity on the mixed flow lanes of the segment of southbound State Route 85 from Winchester Boulevard to State Route 17. The transportation impact analysis does not present mitigation to address the significant impacts on freeway segments. No mitigation is feasible because improvements necessary to address increased delays on state highways would be under the jurisdiction of Caltrans. (DEIR, p. 323.) But the EIR notes that if the State Route 85 high occupancy/toll lanes are implemented by Caltrans, the proposed project's impacts would be reduced to a less-than-significant level. (DEIR, p. 3-229.)

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Impact 3.13-7: Hazardous Design or Incompatibility (S)	TR-7: Either bicycle lanes or sharrows (shared lane markings) shall be provided on A Street between Los Gatos Boulevard and Lark Avenue. The speed limit shall be no greater than 30 miles per hour, and Bikes May Use Full Lane signs (Caltrans sign R4-11) shall be placed on streets marked with sharrows.	LTS	<u>Finding:</u> Implementation of Mitigation Measure TR-7 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR. <u>Explanation:</u> The Specific Plan provides street cross sections for three types of streets within the Plan Area: A Street, Neighborhood Street, and residential streets. The proposed street configurations conflict with the guidance of the Bicycle Technical Guidelines. This is a significant impact. Implementation of Mitigation Measure TR-7 would reduce this impact to a less-than-significant level by requiring either bicycle lanes or sharrows on the "A Street" cross section between Los Gatos Boulevard and Lark Avenue. (DEIR, pp. 3-229 to 3-330.)
Impact 3.13-8: Emergency Access (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-230 to 3-231.)
Impact 3.13-9: Safety Risks from Change in Air Traffic Patterns (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-231.)
Impact 3.13-10: Conflict with Transit, Bicycle, or Pedestrian Planning or Use (LTS)	None required. This impact is less than significant.	LTS	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-231 to 3-232.)
Impact 3.13-11: General Plan Inconsistency (PS)	TR-1 to TR-6 (see above)	LTS	<u>Finding:</u> Implementation of Mitigation Measures TR-1 to TR-6 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section

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			<p>15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>Several inconsistencies with the 2020 General Plan policies are identified in the discussions under the Measures of Effectiveness headings of the Transportation and Traffic section of the Draft EIR. The mitigation measures presented for Impacts 3.13-1 to 3.13-6 would eliminate inconsistencies with the 2020 General Plan. (DEIR, p. 3-232.)</p>
Utilities and Service Systems			
Impact 3.14-1: Adequate Wastewater Treatment (LTS)	None required. This impact is less than significant.	LTS	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-246.)</p>
Impact 3.14-2: Sufficient Water Availability (No Impact)	None required. There is no impact.	No Impact	<p><u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, pp. 3-246 to 3-248.)</p>
Impact 3.14-3a: New or Expanded Utilities Facilities-Water Facilities (PS)	HAZ-1 (see above)	LTS	<p><u>Finding:</u> Implementation of Mitigation Measure HAZ-1 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p>

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
			(DEIR, p. 3-248.)
Impact 3.14-3b: New or Expanded Utilities Facilities- Storm Water Facilities (PS)	See mitigation measures in the Air Quality and Noise sections above.	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures in the Air Quality and Noise sections above will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The project would require the construction of off-site storm water facilities to complete facilities (a pipe beneath State Route 17 and a discharge at Los Gatos Creek) that were partially constructed when the State Route 85 freeway was constructed. Gaps remain that require connecting pipes at locations outside of the Plan Area. Potentially significant air and noise impacts could occur during construction of this pipeline connection. Implementation of mitigation measures in the Air Quality and Noise sections would reduce these impacts to less-than-significant levels. Therefore, although the project would require the construction of new storm water facilities, this construction would not cause significant environmental effects. (DEIR, pp. 3-248 to 3-249.)</p>
Impact 3.14-4: Sufficient Landfill Capacity (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-249.)
Impact 3.14-5: Consistent with Solid Waste Regulations (No Impact)	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-249.)
Impact 3.14-6: Consistent	None required. There is no impact.	No Impact	<u>Finding and Explanation:</u> Under CEQA, no mitigation measures are

Significant = S Potentially Significant = PS Less than Significant = LTS Significant and Unavoidable= SU

Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
with Plan Adopted for Environmental Purposes (No Impact)			required where there are no impacts or for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091; DEIR, p. 3-250.)
Impact 3.14-7: Wasteful Use of Fuel, Water, or Energy (PS)	See mitigation measures in Air Quality, and Transportation and Traffic sections above.	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures in the Air Quality, and Transportation and Traffic sections above will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The project was designed to ensure the efficient use of energy and fuel. For example, the project's mixed-use design is intended to reduce vehicular trips by placing commercial and residential uses in close proximity. The traffic impact analysis provides a 30 percent reduction in trips credit as a result of the mixed use arrangement. Additionally, the proposed project is not expected to include any uses that would consume unusually large quantities of water or energy. Landscaping would cover a minimum of 20 percent of the Plan Area, but its irrigation is subject to the provisions of the recently adopted update to the California Model Water Efficient Landscape Ordinance, so water use would be minimized. Mitigation measures in the Air Quality, and Transportation and Traffic sections would further reduce the use of energy and fuel. Therefore, with mitigation, this impact is less than significant because the project would not encourage activities that use large amounts of fuel, water, or energy in a wasteful manner. (DEIR, p. 3-250.)</p>
Cumulative Impacts			
Impact CUM-TR: Cumulative Impacts to Highways and Streets (S)	CUM-TR-1: Project developers shall pay a pro- rata share towards the construction of the following off-site intersection improvement at the	LTS	<p><u>Finding:</u> Implementation of Mitigation Measures CUM-TR-1 and CUM-TR-2 will reduce this impact to a less than significant level. Pursuant to Public Resources Code Section 21081(a) and CEQA</p>

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
	<p>Lark Avenue/southbound State Route 17 onramps intersection.</p> <p>a. Reconfiguration of the eastbound lanes on Lark Avenue to convert the existing right-turn only lane to a shared through/right turn lane, with the following final configuration: one left turn lane (onto State Route 17) two through lanes, and one shared through/right turn lane at Garden Hill Drive.</p> <p>CUM-TR-2: The following signal light adjustments shall be completed no later than the occupancy of 50 percent of the retail square footage.</p> <p>a. Increase cycle length and associated green time to accommodate the increase in traffic.</p>		<p>Guidelines Section 15091(a), the Town of Los Gatos hereby directs that this mitigation measure be adopted. The Town of Los Gatos, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the EIR.</p> <p><u>Explanation:</u></p> <p>The 2020 General Plan EIR concluded that build-out of the 2020 General Plan would result in significant and unavoidable impacts associated with transportation and circulation, because mechanisms are not currently in place to fund all of the required improvements. The Town assesses a development impact fee for transportation infrastructure improvements, and other funding sources are allocated for projects by the VTA, but funding does not address all of the current and future transportation needs within the Town.</p> <p>The transportation impact analysis included two cumulative list scenarios: the first list with pending development projects within the Town and the City of San Jose, and the second list adding potential housing developments in the Town's affordable housing overlay zone and the Dell Avenue Area Plan in the City of Campbell. Under the cumulative plus project scenarios (development scenarios A or B), four intersections would experience unacceptable level of service and/or significant delays: State Route 17 southbound ramps/ Lark Avenue, Los Gatos Boulevard/ Samaritan Drive, National Avenue/ Samaritan Drive, and Los Gatos Boulevard/ Lark Avenue. These are cumulatively considerable transportation impacts.</p> <p>Implementation of Mitigation Measure TR-1 would provide the required lane geometry to accommodate traffic at the Los Gatos Boulevard/ Samaritan Drive intersection under the cumulative plus project scenario. However signal timing adjustments would be required. Implementation of Mitigation Measure TR-2 would reduce impacts at the Los Gatos Boulevard/ Lark Avenue intersection under the cumulative plus project scenario, and no additional mitigation would be required for this intersection. Implementation of Mitigation Measures CUM-TR-1 and CUM-TR-2 would reduce the some of the remaining cumulative impacts to less-than-significant levels because</p>

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Environmental Impact (Significance Before Mitigation)	Mitigation Measures	Level of Significance With Mitigation	Findings of Fact
			they require the developers to pay a pro-rata share towards the construction of intersection improvement at the Lark Avenue/ southbound State Route 17 onramps intersection, and to adjust the timing of signal lights. Finally, traffic impacts at the National Ave/ Samaritan Drive intersection would be reduced to less-than-significant levels with the implementation of Mitigation Measure TR-3. (DEIR, pp. 3-22I, 4-9 to 4-12; Final EIR, p. 4-8.)

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